

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

ANTHONY U. GIANNASCA,

Debtor.

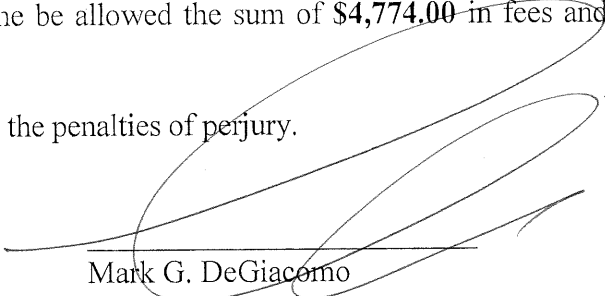
CHAPTER 7
CASE NO. 11-19499-FJB

**APPLICATION FOR FEE AND AFFIDAVIT OF
COUNSEL TO THE CHAPTER 7 TRUSTEE**

On this 6th day of February, 2014, at Boston, MA comes Mark G. DeGiacomo and makes oath and says he has been employed as counsel to the Chapter 7 Trustee in the above-entitled cause, that he has rendered as such counsel in said cause the services described in the itemized bill hereto annexed and has actually incurred the expenses therein set forth; that the compensation, fee and allowance herein claimed belongs wholly to the affiant, and will not be divided, shared or pooled, directly or indirectly, with any other person or firm, except as follows: the partners of Murtha Cullina, LLP

WHEREFORE, he prays that he be allowed the sum of **\$4,774.00** in fees and **\$273.46** in expenses.

This Application is made under the penalties of perjury.


Mark G. DeGiacomo
Murtha Cullina, LLP
99 High Street
Boston, MA 02110

ORDER

IT IS HEREBY ORDERED that an allowance of \$ _____ in fees and \$ _____ in expenses be and hereby is made of the applicant.

Frank J. Bailey
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

ANTHONY U. GIANNASCA,

Debtor.

CHAPTER 7
CASE NO. 11-19499-FJB

**FIRST AND FINAL APPLICATION OF MURTHA CULLINA LLP
FOR ALLOWANCE OF FEES AND EXPENSES INCURRED AS
COUNSEL TO THE CHAPTER 7 TRUSTEE**

Pursuant to Sections 328 and 330 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et. seq.* (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure and MLBR 2016-1, the law firm of Murtha Cullina LLP (the “Applicant”) hereby submits its first and final application for allowance of compensation for services rendered and reimbursement of expenses incurred as counsel to Mark G. DeGiacomo, the Chapter 7 Trustee of the above-captioned bankruptcy estate (the “Trustee”), during the period of March 4, 2013 through the closing of the case. The Applicant seeks the allowance of compensation in the amount of \$4,774.00 and reimbursement of expenses in the amount of \$273.46.

In support of this Application, the Applicant respectfully represents as follows:

1. On October 5, 2011, Anthony U. Giannasca (the “Debtor”) filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code.
2. On November 20, 2011, this case was converted to Chapter 11.
3. On February 26, 2013, this case was converted to Chapter 7.
4. On February 27, 2013, the Trustee was appointed as the Chapter 7 Trustee of the bankruptcy estate of the Debtor.

5. On March 5, 2013, the Trustee filed the Application to Employ the Applicant as Counsel to the Trustee.

6. By Order dated March 21, 2013, a true and correct copy of which is attached hereto as Exhibit A, this Court approved the employment of the Applicant.

7. The following documents are attached to this Application:

Exhibit A:	Order of Employment of Applicant
Exhibit B:	Narrative of Services
Exhibit C:	Daily Itemization of Services Rendered
Exhibit D:	Summary of Time Spent by Timekeeper
Exhibit E:	Itemization of Expenses
Exhibit F:	Biographies of Attorneys and Paralegals

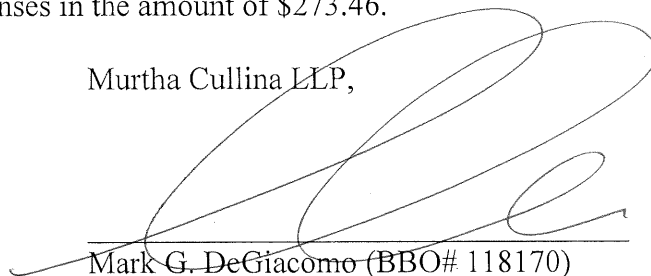
8. There has been no prior allowance of fees or expenses in this case for services rendered to the Trustee. The Applicant has received no retainer.

9. The Applicant certifies that no compensation has or will be sought for services as an attorney which are properly trustee services.

10. The fees and expenses applied for in this Application will not be divided, shared or pooled, directly or indirectly, with any other person or firm except with the other members of the Applicant. The Applicant submits that the hourly rates sought herein are appropriate given the experience of the professionals involved and the work performed.

WHEREFORE, Murtha Cullina LLP requests that it be allowed fees in the amount of \$4,774.00 and reimbursement of expenses in the amount of \$273.46.

Murtha Cullina LLP,

A large, stylized handwritten signature in black ink, appearing to read 'Mark G. DeGiacomo', is written over a horizontal line.

Mark G. DeGiacomo (BBO# 118170)

Murtha Cullina LLP

99 High Street

Boston, MA 02110

617-457-4000 Telephone

617-482-3868 Facsimile

mdegiacomo@murthalaw.com

Dated: February 5, 2014

EXHIBIT A

In Re: Anthony U. Giannasca

Case/AP Number 11-19499 -FJB
Chapter 7

#115 Application filed by Trustee Mark G. DeGiacomo to Employ Murtha Cullina LLP as
Counsel


COURT ACTION:

☐ Hearing held
☐ Granted ☐ Approved ☐ Moot
☐ Denied ☐ Denied without prejudice ☐ Withdrawn in open court
☐ Overruled ☐ Sustained
☐ Continued to _____
☐ Proposed order to be submitted by _____
☐ Stipulation to be submitted by _____
☐ No appearance by _____
Show Cause Order ☐ Released ☐ Enforced

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

No objections filed. Granted.

IT IS SO ORDERED:



Frank J. Bailey
United States Bankruptcy Judge

Dated: 03/21/2013

5. The Trustee seeks the entry of an Order authorizing the employment of the law firm of Murtha Cullina LLP ("Murtha Cullina") as his counsel in this case, with such compensation and reimbursement of out-of-pocket expenses as this Court may allow.

6. The Trustee selected Murtha Cullina because of the firm's experience in bankruptcy cases, and the Trustee believes that Murtha Cullina is well qualified to represent him in this case.

7. The professional services that Murtha Cullina are to render to the Trustee in this case include the following:

- a. to prepare all necessary pleadings associated with the liquidation and recovery of estate assets;
- b. to represent the Trustee at all Court proceedings;
- c. to assist the Trustee in the investigation of fraudulent transfers and insider and non-insider preferences; and
- d. to perform such other legal services as may be required in the interest of creditors of the Debtor.

8. The Trustee proposes to pay Murtha Cullina, subject to Court approval, at its usual hourly rates.

9. To the best of the Trustee's knowledge, Murtha Cullina represents no entity having an adverse interest in connection with this case.

10. The Affidavit of Mark G. DeGiacomo, a partner of the law firm of Murtha Cullina, is submitted in support of this Application.

WHEREFORE, the Trustee requests that this Court enter an Order authorizing the Trustee to employ the law firm of Murtha Cullina LLP to represent him in this case, with such compensation and reimbursement of out-of-pocket expenses as this Court may allow, and that this Court grant such other and further relief as may be just and proper.

Respectfully submitted,

MARK G. DEGIACOMO, CHAPTER 7
TRUSTEE OF THE ESTATE OF ANTHONY U.
GIANNASCA,

/s/ Mark G. DeGiacomo

Mark G. DeGiacomo, Esq. BBO #118170

Murtha Cullina LLP

99 High Street

Boston, MA 02110

617-457-4000 Telephone

617-482-3868 Facsimile

mdegiacomo@murthalaw.com

Dated: March 5, 2013

EXHIBIT B

EXHIBIT B

GIANNASCA ATTORNEY TO TRUSTEE FEE APPLICATION

The services provided by the Applicant to the bankruptcy estate included drafting the Chapter 7 Trustee's Application to Employ Counsel, reviewing the transcript of the hearing concerning the conversion of this case to Chapter 7, several telephone calls with Attorney Mark Archer, drafting three Motions to Extend the deadline for the filing of objections to the Debtor's discharge, drafting the Chapter 7 Trustee's Application to Employ Accountant, drafting the Chapter 7 Trustee's Motion for the setting of an Administrative Bar Date, drafting the Chapter 7 Trustee's Objections to Claims, telephone calls with Attorney James Liston concerning the objection to the claim filed by his client, drafting two Notices of Abandonment of Real Estate, drafting the Report and Agenda and proposed Order concerning Objections to Claims, reviewing pleadings filed concerning the Debtor's efforts to strip the lien held by Beacon Electrical and preparation of this Fee Application

EXHIBIT C

Matter Name: Giannasca, Anthony U. - Attorney to Trustee

DATE	TKID	TIME	DESCRIPTION	VALUE
03/04/13	DeGiacomo	0.30	Draft Application to Employ Counsel	147.00
03/25/13	DeGiacomo	0.40	Call from Debtor's new attorney	196.00
03/25/13	DeGiacomo	0.50	Review transcript of Conversion Hearing	245.00
03/26/13	O'Leary	0.20	Telephone call with Attorney Mark Archer re will he be retained as new counsel for the Debtor	41.00
03/27/13	O'Leary	0.10	Telephone call with Attorney Mark Archer re Section 341 Meeting	20.50
04/09/13	O'Leary	0.20	Telephone call with Debtor's counsel re documents still outstanding	41.00
05/23/13	DeGiacomo	0.10	Draft Motion to Extend Discharge	49.00
05/23/13	DeGiacomo	0.30	Draft Motion to Employ Accountant	147.00
06/26/13	Patten	0.20	Draft Motion to Set Administrative Bar Date	41.00
06/26/13	Patten	0.20	Finalize Motion to Set Administrative Bar Date	41.00
07/02/13	Patten	0.20	Finalize Notice of Administrative Bar Date	41.00
07/17/13	DeGiacomo	0.20	Draft Second Motion Extending Discharge Deadline	98.00
07/17/13	O'Leary	0.20	Draft Second Motion to Extend Discharge Deadline	41.00
09/05/13	Patten	0.10	Telephone call with MGD regarding administrative claims	20.50

Matter Name: Giannasca, Anthony U. - Attorney to Trustee

09/09/13	DeGiacomo	0.30	Call with Debtor's attorney re \$1,800 removed from account on day of conversion	147.00
09/17/13	O'Leary	0.10	Email Debtor's Attorney re \$1,800 payment due	20.50
09/17/13	O'Leary	0.20	Draft Third Motion to Extend Discharge Deadline	41.00
09/20/13	Yetman	2.30	Drafted objections to Proof of Claims	506.00
09/24/13	DeGiacomo	0.20	Draft Motion to Extend Discharge Deadline	98.00
09/25/13	O'Leary	0.20	Finalize Motion to Extend Discharge Deadline	41.00
10/07/13	DeGiacomo	0.40	Prepare Objections to Claims	196.00
10/15/13	Patten	0.10	Meet with K. Yetman regarding Objection to Claims	20.50
10/15/13	Patten	0.20	Finalize Objection to Claims	41.00
10/17/13	DeGiacomo	0.30	Call from Attorney Jim Liston re Objections to Claims	147.00
10/17/13	Patten	0.10	Finalize Certificate of Service for Notice of Hearing on Objection to Claims	20.50
10/31/13	O'Leary	0.30	Draft Notices of Abandonment of Real Estate	61.50
11/13/13	Wintle	0.30	Discuss Objections to Claims and Report & Agenda with KFY and review file	75.00
11/17/13	DeGiacomo	0.20	Review Opposition to Objection to Beacon Claim	98.00
11/17/13	DeGiacomo	0.30	Draft Notice of Abandonment	147.00

Matter Name: Giannasca, Anthony U. - Attorney to Trustee

11/17/13	DeGiacomo	0.20	Call with KLP regarding hearing regarding objection to claim	98.00
11/18/13	Wintle	0.10	Voicemail from Trustee regarding filing of Report and Hearing Agenda regarding objections to claims	25.00
11/18/13	O'Leary	0.20	Finalize Notice of Abandonment of 9 Joseph Street, Medford, MA	41.00
11/18/13	O'Leary	0.20	Finalize Notice of Abandonment of 16-18 Joseph Street, Medford, MA	41.00
11/25/13	Wintle	0.10	Review status on Objection to Claims and memo to file regarding Report and Agenda	25.00
12/11/13	Yetman	0.70	Drafting of Report and Hearing Agenda regarding Objections to Claims	175.00
12/11/13	Yetman	0.70	Reviewed Debtor's Motion to Determine Secured Status and the Response and Opposition of Beacon Electrical to Objections to Claims	175.00
12/11/13	Yetman	0.10	Revisions to proposed Order to Trustee's Objections to Claims	25.00
12/11/13	DeGiacomo	0.30	Call to Attorney Liston re Objection to Claim	147.00
12/11/13	Patten	0.10	Meet with MGD regarding hearing on Objection to Claims	20.50
12/12/13	DeGiacomo	0.20	Call from Attorney Liston	98.00
12/12/13	Patten	0.10	Finalize Report and Hearing Agenda	20.50
12/13/13	Wintle	0.10	Review Order allowing Objections to Claims/memo to file regarding hearing	25.00
12/16/13	Wintle	0.10	Review memo from KLP regarding Objections to Claims	25.00

Matter Name: Giannasca, Anthony U. - Attorney to Trustee

12/16/13	Wintle	0.10	Review correspondence from MGD	25.00
12/30/13	DeGiacomo	0.30	Review Memorandum of Law filed by Debtor	147.00
01/14/14	DeGiacomo	0.30	Begin preparation of Final Fee Application	156.00
01/22/14	DeGiacomo	0.70	Prepare Final Fee Application	364.00
01/30/14	DeGiacomo	0.60	Draft Final Fee Application	312.00
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TOTAL HOURS		13.90		
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TOTAL FEES				\$4,774.00
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EXHIBIT D

[GIANNASCA- ATTORNEY TO TRUSTEE]

SUMMARY OF TIME SPENT BY TIMEKEEPER

II. GENERAL LEGAL SERVICES

Timekeeper:	Rate:	Hours:	Fees:
Mark G. DeGiacomo (MGD)	\$520 per hour (2014)	1.6	\$832.00
Mark G. DeGiacomo (MGD)	\$490 per hour (2013)	4.5	\$2,205.00
Keri L. Wintle (KLW)	\$250 per hour (2013)	0.8	\$200.00
Kevin F. Yetman (KFY)	\$250 per hour (2013)	1.5	\$375.00
Kevin F. Yetman (KFY)	\$220 per hour (2013)	2.3	\$506.00
Kristen L. Patten (KLP)	\$205 per hour (2013)	1.3	\$266.50
Maureen O'Leary (MO)	\$205 per hour (2013)	1.9	\$389.50
TOTAL:		13.9	\$4,774.00

EXHIBIT E

Matter Name: Giannasca, Anthony U. - Attorney to Trustee

DATE	COST DESCRIPTION	AMOUNT
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05/23/13	Photocopies	134.90
05/23/13	Postage	48.84
06/26/13	Photocopies	14.20
06/26/13	Postage	32.66
07/02/13	Photocopies	10.20
07/02/13	Postage	32.66

TOTAL		273.46
		=====

EXHIBIT F

Mark G. DeGiacomo

Mr. DeGiacomo is a partner in the firm of Murtha Cullina LLP and is co-chair of the firm's Bankruptcy and Creditors' Rights Department. Mr. DeGiacomo has been working primarily in the area of bankruptcy and creditors rights since his admission to the bar in 1981. Mr. DeGiacomo received a B.S. in political science from Boston College in 1978 and his J.D. from Suffolk University Law School in 1981. Mr. DeGiacomo has been a panel Trustee in bankruptcy in Boston since 1995. Mr. DeGiacomo's practice has included representation of corporate and individual debtors as well as bankruptcy trustees, secured creditors, unsecured creditors and creditors committees. Mr. DeGiacomo has written and lectured extensively on bankruptcy issues.

Keri L. Wintle

Keri L. Wintle is an associate in the Litigation Department at Murtha Cullina LLP and member of the firm's Bankruptcy and Creditors' Rights Group. Ms. Wintle received a B.A. in Political Science from St. Michael's College in 2004. She received her J.D. from Western New England College School of Law in 2009. Ms. Wintle is admitted to practice in the Commonwealth of Massachusetts and the State of New York, as well as the District of Massachusetts and the Southern District of New York. Prior to joining the firm in 2009, Ms. Wintle was an intern with the District Attorney's Office in Saratoga County, New York, and served as a *per diem* prosecutor at the District Attorney's Office in Hampden County, Massachusetts.

Kevin F. Yetman

Kevin F. Yetman is an associate in the firm's Litigation Department and Bankruptcy and Creditor's Rights Group. Mr. Yetman received his B.A. from Hamilton College and his J.D. from Villanova University School of Law in 2013. While in law school, Mr. Yetman worked for the Disciplinary Board of the Pennsylvania Supreme Court, investigating and regulating attorney conduct. his Bankruptcy and Creditors Rights Practice, Mr. Yetman represents Chapter 7 trustees in a wide range of contested matters such as the sale of assets, claim objections, prosecution of preference, fraudulent transfer and other avoidance actions.

Kristen L. Patten

Kristen L. Patten, Bankruptcy Paralegal, received her Bachelors of Science in History, at Northeastern University in 2004. She has several years experience in the legal field including prior work in business litigation, patent prosecution and personal injury.

Maureen E. O'Leary

Maureen E. O'Leary, Litigation Paralegal, received her Bachelors in Political Science at Regis College in 2003. She has several years' experience in the legal field. She has worked as a Settlement Paralegal in the areas of asbestos and toxic tort litigation as well as general products liability. She joined the litigation department in June of 2005.